



# Fax

To: Examiner Nicholas D. Lucchesi      From: Jasvantrai C. Shah  
Fax: (703) 872-9306      Date: September 29, 2004  
Phone: (703) 308-2698      Pages: (13) Including cover sheet  
Re: 09/254,078      CC:

Urgent     For Review     Please Comment     Please Reply     Please Recycle

•Comments:

Serial No. 09/254,078      Agent JCS

Re: Applicant – Rudger Rubbert      Case No. 59-99 (00-1030)  
Filed: 05/03/1999

"METHOD AND DEVICE FOR CARRYING OUT OPTICAL PICKUP"

Dear Supervisory Examiner Lucchesi:

We are transmitting herewith:

x Transmittal letter  
x Response to Notice of Non-Compliant Amendment (37 CFR 1.121)

Respectfully,  
Jasvantrai C. Shah  
Agent for Applicant

## UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 29 2004

Appl. No. : 09/254,078 Confirmation No. 6452  
Applicant : Rudger Rubbert  
Filed : 05/03/1999  
TC/A.U. : 3764  
Examiner : Nicholas D. Lucchesi

Docket No. : 59-99 (00-1030)  
Customer No. : 000038600

Title : METHOD AND DEVICE FOR CARRYING OUT OPTICAL  
PICKUP

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

## TRANSMITTAL LETTER

Sir:

1. We are transmitting herewith the attached:
  1. Response to Notice of Non-Compliant Amendment (37 CFR 1.121)
2. With respect to additional fees:
  - A.  No additional fee is required.
  - B.  Attached is a check in the amount of \$ \_\_\_\_.
  - C.  Charge the total additional fee to our Deposit Account No. 50-2844.
3. Please charge any additional fees or credit overpayment to Deposit Account No. 50-2844.
4. CERTIFICATE OF TRANSMISSION UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being transmitted by facsimile to number (703) 872-9306 addressed to: Commissioner for Patents, Attn. Supervisory Patent Examiner Nicholas D. Lucchesi, on this 29<sup>th</sup> day of September, 2004.

By Jasvantrai C. Shah

Jasvantrai C. Shah  
Reg. No. 39,444

OraMetrix, Inc.  
2350 Campbell Creek Blvd., Suite 400  
Richardson, Texas 75082

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**Response to Notice of Non-Compliant Amendment (37 CFR 1.121)**

Sir:

In response to Notice of Non-Compliant Amendment (37 CFR 1.121) dated 09/23/2004, the applicants respectfully re-submit the "Amendments to the Claims" section which has been corrected to bring the previously submitted non-compliant amendment filed on 08/06/04 in compliance with 37 CFR 1.121. Corrected Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Please charge any required fees to deposit account no. 50-2844.